


Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin 
DATE: February 20, 2013
RE: 09-946CA/CU; 53 Birchcliff Pkwy

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL Ward: 5

Owner/Applicant: Laurel Canyon Development, LLC

Request: Time extension for zoning permit to construct two residential units and attach to existing office building, modify driveway

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval a third time to extend the time to start construction by 1 year of a project to build a two-unit residential addition to an existing office building. Site alterations including a modified driveway and limited clearing and grading are also proposed. The resultant mixed use development is conditionally permitted in the RL zone. No changes to the project are included in this extension request.

Previous zoning actions for this property are noted below.

- 3/8/12, Approval of second 1-year time extension
- 3/15/11, Approval of 1-year time extension
- 2/5/10, Approval to construct two attached residential units and associated site improvements
- 5/15/09, Approval of freestanding sign
- 7/30/07, Approval for 250 sf addition to existing building/ expansion of nonconforming use

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Sec. 3.2.9, Zoning Permits

(d) Time Limit on Zoning Permits:

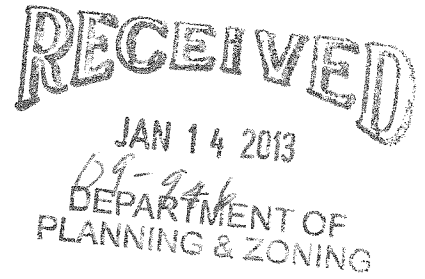
The zoning permit for this project was approved by the Development Review Board on February 5, 2010. From that date, the applicant had 1 year to commence construction, or per this criterion, to request an extension. Since then, the applicant has requested two time extensions. Both were granted by the DRB (March 15, 2011 and March 8, 2012). The applicant is requesting a third time extension. As this request has been received within 1 year of the most recent extension, approval may be granted. As such, construction must commence by February 5, 2014 and be complete by February 5, 2015. Note that this criterion enables permit extensions; it does not guarantee them. This permit extension should be the final one. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. Except as specifically modified in this approval, all conditions of the original zoning permit approval dated February 5, 2010 shall remain in effect.
2. Standard permit conditions 1 -15 (including construction start date no later than February 5, 2014 and construction completion date no later than February 5, 2015).
3. No further time extensions for this permit shall be granted.

Laurel Canyon Development LLC.
53 Birchcliff Parkway
Burlington, Vermont 05401

January 9, 2013



Scott Gustin
Burlington Planning and Zoning
149 Church Street City Hall
Burlington, VT 05401

Dear Scott:

We request an extension to our zoning permit for work at 53 Birchcliff Parkway.
We are still trying to put together a feasible and affordable project that will sell in
this present real estate market and need more time to do so.

Enclosed is a check for the \$150.00 fee to extend the permit.

Thank you.

Sincerely,


Earl Wertheim